

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

TERI G. GALARDI,

Debtor.

CHAPTER 11

CASE NO. 22-50035-JPS

**NOTICE OF FIRST AND FINAL APPLICATION OF STICHTER RIEDEL BLAIN &
POSTLER, P.A. FOR ALLOWANCE OF COMPENSATION, DEADLINE
TO OBJECT, AND FOR HEARING**

PLEASE TAKE NOTICE that a *First and Final Application of Stichter Riedel Blain & Postler, P.A. for Allowance of Compensation* (the “Application”) has been filed in the above case. Pursuant to the Application, the Court is requested to allow and award compensation to Stichter Riedel Blain & Postler, P.A. (the “Law Firm”) as special counsel in *Porsche Darden et. al v. Fly Low, Inc. and Teri Galardi*, 20-20592-CIV-SINGHAL (S.D. Fla.) for Thomas T. McClendon, as Liquidating Trustee of the Galardi Creditors Trust (the “Trustee”), as follows:

(1) \$1,755.00 in professional fees.

YOUR RIGHTS MAY BE AFFECTED. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk’s office.

If you do not want the court to grant the relief sought in the Application or if you want the court to consider your views on the Application, then you or your attorney shall file with the court a written objection or response on or before **February 23, 2024**, pursuant to Fed.R.Bankr.P. 9006(f). If you are receiving this notice by mail, you may add three (3) days to the response date stated above. The objection or response should be sent to: Clerk, U.S. Bankruptcy Court, Middle District of Georgia, P.O. Box 1957, Macon, GA 31202, (478) 752-3506.

If an objection or response is filed, a hearing on the Application shall be held on **March 6, 2024, at 11:00 a.m. at the U.S. Bankruptcy Court, Macon Courthouse, Courtroom A, 433 Cherry Street, Macon, Georgia 31201**. Parties should consult the Court’s website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance. If you mail your response or objection to the Court for filing, you shall send it early enough so that the court will receive the objection or response on or before the date stated above. Any response or objection shall also be served on the Movant.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the Application and may enter an order granting relief.

This notice is sent by the undersigned pursuant to LBR 2016(c)(2).

RESPECTFULLY SUBMITTED this 2nd day of February, 2024.

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon
Georgia Bar No. 431452
Liquidating Trustee
699 Piedmont Avenue, NE
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404-564-9300
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**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

**TERI G. GALARDI,
Debtor.**

CHAPTER 11

CASE NO. 22-50035-JPS

**FIRST AND FINAL APPLICATION OF STICHTER RIEDEL BLAIN &
POSTLER, P.A. FOR ALLOWANCE OF COMPENSATION**

TO: THE HONORABLE JAMES P. SMITH
CHIEF JUDGE, U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

COMES NOW, Thomas T. McClendon, as Liquidating Trustee of the Galardi Creditors Trust (the “Trustee”), and files this *First and Final Application of Stichter Riedel Blain & Postler, P.A. for Allowance of Compensation* (the “Application”), and requests an award to pay the Trustee’s special counsel in *Porsche Darden et. al v. Fly Low, Inc. and Teri Galardi*, 20-20592-CIV-SINGHAL (S.D. Fla.), Stichter Riedel Blain & Postler, P.A. (the “Law Firm”), for professional fees, and in support thereof respectfully shows as follows:

1. On or about January 27, 2022, (the “Petition Date”), Teri G. Galardi (the “Debtor”) filed a petition for relief under Chapter 11 of Title 11, United States Code, 11 U.S.C. §§ 101 et seq. (as amended, modified or supplemented, the “Bankruptcy Code”).

2. On April 10, 2023, Debtor filed an *Amended Joint Chapter 11 Plan of Reorganization* (Doc. No. 401) (“Plan”). The Plan provided for the Debtor’s establishment of a liquidating trust for the benefit of the Holders of Class 8 Unsecured Claims and the execution of a Trust Agreement for the Galardi Creditors Trust (“Trust Agreement”) to be in effect on the Effective Date of the Plan.

3. On April 14, 2023 (the “Appointment Date”), the Court entered the *Order Confirming Joint Plan of Reorganization* (Doc. No. 410) (“Confirmation Order”) confirming the Plan, authorizing the execution of the Trust Agreement, and appointing the Trustee.

4. On April 25, 2023, Debtor and Trustee executed the Trust Agreement.

5. The Court has jurisdiction over this Application pursuant to Article 9.1(m) (retention of jurisdiction over all matters regarding or related to the administration of the Galardi Creditors Trust) and Section 7.2 of the Trust Agreement.

6. Article 4.2 of the Trust Agreement authorizes the Trustee to employ attorneys and other professionals “whose services may be reasonably necessary or advisable... to advise or assist [Trustee] in the discharge of his duties... and to pay reasonable compensation” to such professionals out of the Trust Estate.

7. The Trustee has employed the Law Firm as special counsel in Florida for the Galardi Creditors Trust in the case of *Porsche Darden et. al v. Fly Low, Inc. and Teri Galardi*, 20-20592-CIV-SINGHAL (S.D. Fla.).

8. Section 7.6(d) of the Liquidating Trust Agreement provides that the Liquidating Trustee “shall pay out of the Trust Assets, on a monthly basis and without notice or application to the Bankruptcy Court . . . any reasonable, documented fees and out-of-pocket expenses of attorneys. . . whom the Liquidating Trustee may reasonably deem advisable to employ in connection with the Creditors Trust in accordance with the terms of this Trust Agreement.”

9. In accordance with this section, the Trustee has not yet paid such fees, and requests final approval of such fees pursuant to Liquidating Trust Agreement ¶ 7.6(d) (requiring periodic approval of fees).

10. This Application seeks allowance of compensation for the Law Firm for services rendered to the Trustee through January 29, 2024. Copies of Law Firm’s invoices are attached hereto and incorporated herein by reference as **Exhibit “A”**. Amy D. Mayer rendered services at the hourly

rate of \$425.00 per hour. Laura Marzano rendered services at the hourly rate of \$200.00 per hour. Susan Jeffcoat rendered services at the hourly rate of \$200.00 per hour.

11. All services for which compensation is requested have been actually provided to the Trustee and to no other parties.

12. The Law Firm has not previously applied for compensation.

13. No agreement or understanding exists between the Law Firm and any other person for sharing of compensation to be received for services rendered in connection with this case. All services for which compensation is requested were performed for the Trustee for the benefit of the Galardi Creditors Trust and not on behalf of Debtor or any other person or persons.

14. The Trustee respectfully makes the following representations with regard to the 12-factor Johnson v. Georgia Highway Express, Inc. test (488 F. 2d 714 (5th Cir. 1974)):

a. Time and Labor Required: The Law Firm has expended a total of 5.40 law firm hours through January 29, 2024, at the following rates:

<u>Accountant</u>	<u>Hourly Rate</u>
Amy D. Mayer	\$425.00
Laura Marzano	\$200.00
Susan Jeffcoat	\$200.00

b. Novelty and Difficulty of Questions Presented: The Chapter 11 reorganization case involves the effort an individual Chapter 11 case, including, ultimately, a plan which contemplates an ordinary liquidation. The novelty and difficulty of questions presented are those normally associated with a Chapter 11 bankruptcy case.

c. Skill Requisite to Perform Legal Services Properly: The Law Firm has the skill requisite to perform legal services heretofore rendered in a proper fashion.

d. The Preclusion of Other Employment Due to Acceptance of the Case: The time expended by the Law Firm in connection with this case could have been devoted to matters being handled for other clients but for the time demands placed upon the Law Firm by the Law Firm's involvement in the case.

e. Customary Fee for the Type of Services Rendered: All fees requested by the Law Firm were generated by applying the Law Firm's normal hourly billing rate to the number of hours actually expended. Such itemization is detailed on Exhibit "A". The customary compensation for the legal services in connection with a bankruptcy case is upon an hourly billing basis.

f. Whether Fee is Fixed or Contingent: The Law Firm's charges are subject to being awarded by this Court under 11 U.S.C. § 330. The Fee is thus not truly fixed or contingent but has some characteristics of both.

g. Time Limitations Imposed by Client or Other Circumstances: Many of the services rendered have been performed under exacting time limitations imposed by the nature of the case.

h. Amount Involved and Results Obtained: The Law Firm represented the Trustee in *Porsche Darden et. al v. Fly Low, Inc. and Teri Galardi*, 20-20592-CIV-SINGHAL (S.D. Fla.).

i. Experience, Reputation, and Ability of Attorneys: The Law Firm has had a significant amount of experience within the areas involved in this representation.

j. Undesirability of the Case: This factor is not normally applicable to a Chapter 11 case.

k. Nature and Length of Professional Relationship with the Client: Law Firm has represented the Trust regarding this case since January 12, 2024. At this time, the Trustee does not anticipate further representation by the Law Firm.

l. Awards in Similar Cases: This Application is in keeping with similar applications for Chapter 11 compensation filed by attorneys in bankruptcy cases within this district.

15. The Trustee requests an order allowing and awarding the requested fees thereby authorizing payment of the same.

WHEREFORE, the Trustee requests entry of an order granting the Application, authorizing and awarding fees for the Law Firm in the amount of \$1,755.00.

RESPECTFULLY SUBMITTED this 2nd day of February, 2024.

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon
Georgia Bar No. 431452
Liquidating Trustee
699 Piedmont Avenue, NE
Atlanta, Georgia 30308
404-564-9300
tmcclendon@joneswalden.com

EXHIBIT "A" FOLLOWS



TAMPA • FORT MYERS • PENSACOLA • DESTIN

B. MICHAEL BACHMAN, JR.
RUSSELL M. BLAIN
JODI DANIEL DUBOSE
DANIEL R. FOGARTY

MATTHEW B. HALE
BARBARA A. HART
ELENA PARAS KETCHUM
STEPHEN R. LESLIE

AMY DENTON MAYER
CHARLES A. POSTLER
HARLEY E. RIEDEL, II
MARK F. ROBENS
SCOTT A. STICHTER

DON M. STICHTER
1929 - 2019
RICHARD C. PROSSER
1950 - 2017
SUSAN HEATH SHARP
1954 – 2021
G. CHRISTOPHER MEYER
1948 – 2023

REMIT PAYMENT TO TAMPA

January 29, 2024

INVOICE

Thomas T McClendon
Jones & Waldon, LLC
699 Piedmont Avenue, NE
Atlanta, GA 30380
USA

Matter: 1

Galardi Creditor's Trust

Client: 15048

For Professional Services Rendered:

01/12/2024	ADM	Telephone conference with T. McClendon regarding new matter; conflict check; draft engagement letter; review and revision of same; review and revision of stay notice and order; follow-up regarding settlement order; follow-up regarding filing	1.20
01/12/2024	LAM	Conflict check and pulling local rules for the Southern District of Florida	0.60
01/23/2024	ADM	Email correspondence regarding call to discuss emergency motion to stay Darden action	0.10
01/24/2024	ADM	Telephone conference with T. McClendon regarding background status, emergency motion for stay; telephone conference with Susan Jeffcoat regarding need for CON; draft language for motion; telephone conference with Susan Jeffcoat; follow-up email correspondence regarding notice to chambers of emergency motion	0.90
01/24/2024	SJ	Call with Amy Mayer, review District Court local rules, calls with Tom McClendon, filing of emergency motion	1.00

01/25/2024	ADM	Review pleadings filed by Astrid Gabbe; dictate notice of withdrawal of emergency motion for stay; review same and forward to client for review; follow-up regarding filing; dictate response to Gabbe's motion to strike stay notice and response in opposition to emergency motion for stay; review and revision of same; forward to client for review; follow-up regarding filing; emails with client; telephone conference with client in preparation for 1st day hearings	0.80
01/25/2024	SJ	Review emails and file, draft withdrawal of motion and forwarding to Amy Mayer, finalize and file same; draft response to motion to strike and forwarding to Amy Mayer, finalize and file response	0.80

Total Professional Services Rendered	<u>\$1,755.00</u>
Recapitulation	

Name	Hours	Amount
Amy D Mayer	3.00	\$1,275.00
Laura Marzano	0.60	\$120.00
Jeffcoat, Susan	1.80	\$360.00

Total For Professional Services Rendered	5.40 Hours	<u>\$1,755.00</u>
Adjusted Services Total		<u>\$1,755.00</u>

Professional Services	<u>\$1,755.00</u>
Total New Charges This Invoice	<u>\$1,755.00</u>
Total Due	<u>\$1,755.00</u>

Please reference our Bill #: and Matter #: upon remittance - Thank You

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

IN RE:

TERI G. GALARDI,
Debtor.

CHAPTER 11

CASE NO. 22-50035-JPS

CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Notice of First and Final Application of Stichter Riedel Blain & Postler, P.A. for Allowance of Compensation, Deadline to Object, and for Hearing* ("Notice") and the *First and Final Application of Stichter Riedel Blain & Postler, P.A. for Allowance of Compensation* ("Application") using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of and an accompanying link to the Notice and Application to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing Program:

- **Michael Akemon** mutepe.akemon@richardslegal.com
- **Mitchell D Benjamin** benjamin@dcbflegal.com, jessicasorrenti@dcbflegal.com; calendar@dcbflegal.com
- **Charles Bridgers** charlesbridgers@dcbflegal.com, jessicasorrenti@dcbflegal.com; calendar@dcbflegal.com
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- **James D. Silver** jsilver@kklaw.com, raldama@kklaw.com
- **Christopher W. Terry** chris@boyerterry.com, terrycr40028@notify.bestcase.com
- **U.S. Trustee - MAC** Ustp.region21.mc.ecf@usdoj.gov

I further certify that on this day I served a copy of the Notice *only* on the parties listed on the attached mailing matrix, via U.S. First Class Mail with adequate postage prepaid:

This 2nd day of February, 2024.

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon
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Case 22-50035-JPS Doc 759 Filed 02/02/24 Entered 02/02/24 16:34:07 Desc Main Label Matrix for local noticing AgSouth Farm Credit, ACA Document Page 13 of 20 American Express National Bank
113G-5 c/o Fortson, Bentley and Griffin, P.A. c/o Becket & Lee, LLP
Case 22-50035-JPS 2500 Daniell's Bridge Road Attn: Kenneth Kleppinger
Middle District of Georgia Building 200, Suite 3A P.O. Box 3001
Macon Athens, GA 30606-6178 Malvern, PA 19355-0701
Fri Feb 2 15:49:03 EST 2024

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The Estate of Jack Galardi
c/o Teri Galardi, Executor
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Flovilla, GA 30216-2318

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Las Vegas, NV 89102-4626

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